

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF JULY, NINETEEN HUNDRED EIGHTY-EIGHT, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
 Thomas D. Mahone, Vice-Chairman, Jamestown District
 Perry M. DePue, Powhatan District
 Thomas K. Norment, Jr., Roberts District
 Stewart U. Taylor, Stonehouse District

David B. Norman, County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - June 14, 1988 - Special Meeting
 June 20, 1988 - Regular Meeting
 June 27, 1988 - Special Meeting

Mr. Edwards asked if there were corrections or additions to the minutes.

Mr. Mahone asked for clarification of Mr. DePue's motion pertaining to the Parks and Recreation Operational Changes resolution in the June 20, 1988, set of minutes and made a motion to approve all minutes as presented.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

C. Resolution of Appreciation - Curtis Strange

RESOLUTION OF APPRECIATION

CURTIS STRANGE

WHEREAS, the United States Open is the most prestigious of golf tournaments as judged by the touring members of the Professional Golf Association; and

WHEREAS, the winning of the United States Open is the dream of every individual who participates in the game of golf; and

WHEREAS, the player who wins the Open Title has reached the epitome of his sport; and

WHEREAS, the 1988 United States Open was played at The Country Club of Brookline, Massachusetts; and

WHEREAS, the winner of the 1988 U.S. Open was Curtis Strange, a resident of James City County, Virginia, who resides in Kingsmill.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board hereby extends on behalf of all the residents of the County the heartiest of congratulations to Curtis Strange for winning the Open Championship by a margin of four strokes in an 18-hole playoff.

BE IF FURTHER RESOLVED that the Board also extends its congratulations to Sarah Strange who has offered the support necessary to permit an athlete to reach the pinnacle of his sport; and

BE IT FINALLY RESOLVED that this Resolution be spread upon the minutes of the Board and a suitable copy be prepared for presentation to Curtis Strange.

D. PUBLIC HEARINGS

1. Case No. Z-29-87. Five Forks Associates, Inc.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated this case was deferred by the Board on May 16, 1988, to allow staff, the applicant, Virginia Department of Transportation personnel, and adjacent property owners to meet and attempt to resolve traffic impacts created by placement of a raised median along Ironbound Road.

He further stated that proffers have been amended for the change in location of the shopping center main entrance.

The Planning Commission recommended approval by a 6-3 vote, and staff recommended approval of the application with proffers.

Mr. Edwards reopened the public hearing.

1. Mr. Vernon Geddy, Esq., representative for the applicant, stated the interested parties are satisfied with the traffic arrangement; proffers limit use of parcel to shopping center or office park or a combination of both; and two units per acre meet the low-density residential use. Mr. Geddy respectfully requested approval of the rezoning.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve Case No. Z-29-87.

Discussion of the relocation of the shopping center main entrance followed, and Mr. Norman Mason of Langley and McDonald stated that traffic generated was expected to be 6,000 vehicles per day for the shopping center, and 530 vehicles per day for the residential section. There was further discussion regarding whether the proposed uses were suitable, traffic impacts, impacts on adjacent properties, and the need for more controlled development in that area.

On a roll call, the vote was AYE: Taylor, DePue (2). NAY: Norment, Mahone, Edwards (3).

2. Case No. Z-4-88. Meade Estate

Mr. Sowers stated that Mr. William J. Bull had applied on behalf of the Meade Estate to rezone approximately .82 acres from LB, Limited Business, to B-1, General Business to allow for the development of a car wash. The Board referred the case back to the Planning Commission on April 4, 1988 so the applicant could file a special use permit application.

The Planning Commission recommended denial by a 7-1 vote, and staff recommended denial for the following inconsistencies: intended uses and activities designated for the area; predominant character of surrounding development; and comprehensive rezoning of B-1 land in this area.

Mr. Edwards opened the public hearing.

1. Mr. William J. Bull, representative for the Meade Estate, stated that the car wash would be an addition to the County tax base, no citizen opposition had been voiced at the public hearings, and surrounding development included business uses.

Mr. Edwards closed the public hearing.

Mr. Mahone made a motion to approve Case No. Z-4-88.

On a roll call, the vote was AYE: Taylor, Mahone (2). NAY: Norment, DePue, Edwards (3).

3. Case No. SUP-11-88. Meade Estate

The public hearing for the special use permit was not held, because the preceding zoning Case No. Z-4-88 was denied.

4. Case No. SUP-3-88. H & L Paving

Mr. Sowers stated that Mr. Henry S. Branscome had applied for a special use permit to accept a replacement of an existing nonconforming office building from a public water and sewer connection requirement.

Staff and the Planning Commission unanimously recommended approval of this application.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Mahone made a motion to approve Case No. SUP-3-88.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-3-88. H & L PAVING

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has unanimously recommended approval of Case No. SUP-3-88, a special use permit to except a replacement of an existing nonconforming office building from a public water and sewer connection requirement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-3-88 as described herein with the following conditions:

1. This permit shall be limited to the replacement of the existing office building with a new office building not to exceed 4,000 square feet in floor area.
2. This permit shall expire if construction has not begun within a period of 12 months from the date of approval. Construction shall be defined as clearing, grubbing, excavation and pouring of all footings required for the construction of the replacement office building.

E. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove any item from the Consent Calendar.

Mr. Taylor asked that Items 5 and 10 be removed.

Mr. DePue asked that Item 13 be removed.

Mr. Norment asked that Item 3 be removed.

Mr. Mahone made a motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

1. Award of Contract - Chickahominy Road Water Main

R E S O L U T I O N

CONTRACT FOR CONSTRUCTION OF

THE CHICKAHOMINY ROAD WATER TRANSMISSION MAIN

WHEREAS, the James City Service Authority publicly opened bids on behalf of James City County for the Chickahominy Road water transmission main on July 1, 1988; and

WHEREAS, it has been determined that the lowest responsive and responsible bid of \$344,905.30 was that submitted by George Nice and Sons, Inc.; and

WHEREAS, funds are available in the Community Development Block Grant and the James City Service Authority Capital Budget for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority and the Board of Supervisors of James City County, Virginia, hereby approves the award of a contract for the construction of the Chickahominy Road water transmission main Phase I and Phase II to George Nice and Sons, Inc., on the basis of their bid of \$344,905.30 and authorizes and directs the Clerk and Secretary to the Boards to execute a contract for this work.

2. Appropriation of Total School Budget

R E S O L U T I O N

FY 1989 SCHOOL APPROPRIATION

WHEREAS, the Williamsburg/James City County School Board has adopted a budget that incorporates the City and County contributions for the 1989 fiscal year; and

WHEREAS, the amended adopted budget of the School Board must be appropriated in full.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the operating budget for the 1989 fiscal year, as follows:

Total Revenues	\$25,078,474
General Instructional Programs	\$24,520,177
Other Instructional Program	<u>558,297</u>
Total Expenditures	\$25,078,474

4. Equipment Request - Clerk of the Circuit Court

R E S O L U T I O N

EQUIPMENT REQUIREMENTS - CLERK OF THE CIRCUIT COURT

WHEREAS, the Board of Supervisors appropriated \$17,000 for equipment purchases for the Clerk of the Circuit Court; and

WHEREAS, only a portion of the appropriation was used in FY 1988, and the balance is requested to be used in FY 1989; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfer of funds to allow for the procurement of additional equipment for the Clerk of the Circuit Court offices.

TO: Office Furniture and Equipment	\$4,118	041.0405
FROM: General Fund - Contingency	4,118	193.0705

6. Deed of Exchange - The School Boards and The Colonial Williamsburg Foundation

R E S O L U T I O N

DEED OF EXCHANGE/THE SCHOOL BOARDS

AND THE COLONIAL WILLIAMSBURG FOUNDATION

WHEREAS, the County School Board, the City School Board and The Colonial Williamsburg Foundation are desirous of an exchange of properties as set forth in a deed of exchange dated June 7, 1988; and

WHEREAS, the County of James City is a party to the deed to evidence its consent of the respective conveyances.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and directs the Chairman of the Board of Supervisors to execute that certain deed dated June 7, 1988, by and between the School Boards of James City County and the City of Williamsburg, the Colonial Williamsburg Foundation, the City of Williamsburg, and the County of James City.

7. Award of Construction Contract for Grove Fire Station Addition

R E S O L U T I O N

CONTRACT FOR THE CONSTRUCTION OF THE

GROVE FIRE STATION ADDITION

WHEREAS, James City County publicly opened bids for the Grove Fire Station addition on June 13, 1988; and

WHEREAS, it has been determined that the lowest responsive and responsible bid of \$99,879 for construction of the addition was that submitted by Ritchie-Curbow Construction Company, Inc.; and

WHEREAS, funds are available in the Capital Improvement Project budget for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the award of a contract for the construction of the Grove Fire Station addition to Ritchie-Curbow Construction Company, Inc., on the basis of their bid of \$99,879 and authorizes and directs the Clerk to the Board to execute a contract for this work.

8. Chickahominy Road Residential Improvement Project Replacement Housing Program Policies

R E S O L U T I O N

ADOPTION OF REPLACEMENT HOUSING

PROGRAM POLICIES

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality, which utilizes Community Development Block Grant funds for replacement housing, have Program Policies adopted by its governing body; and

WHEREAS, the attached Replacement Housing Program Policies are recommended for adoption by the Chickahominy Road Citizens Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Replacement Housing Program Policies as the policies that shall govern the provision of housing replacement assistance financed with Community Development Block Grant funds or with funds from the Revolving Rehabilitation Loan Fund.

9. Transit Department - Section 18 Grant Application - FY 1989

R E S O L U T I O N

REQUEST FOR STATE MATCHING FUNDS

WHEREAS, the Commonwealth of Virginia has made matching funds available in support of public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized for and on behalf of the Board to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget Item 644 of the 1982 Acts of the General Assembly, Chapter 648, Financial Assistance for Mass Transit, in the amount of \$3,740 to defray fifty percent (50%) of local matching share for administrative expenses, \$3,060 to defray eighty percent (80%) of the local match for ridesharing administrative expenses, and in the amount of \$15,175 to defray ninety-five percent (95%) of the costs borne by James City County for the purchase of fuels, lubricants, tires and maintenance parts of an approved Federal Grant, to accept from the Virginia Department of Transportation grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County, Virginia certifies that the funds shall be used in accordance with the requirements of UMTA Section 18 Program and the State Appropriations Act of 1982, and that James City County may be subject to audit by the Virginia Department of Transportation and by the State Auditor of Public Accounts.

R E S O L U T I O NREQUEST FOR FEDERAL MATCHING FUNDS - FY 89

WHEREAS, the Federal Government has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized for and on behalf of James City County, to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of Federal public transportation assistance authorized under Section 18 of the Surface Transportation Act of 1982, in the amount of \$27,278 to assist in the administrative, operating and capital costs of local public transportation services, to accept from the Virginia Department of Transportation grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County, Virginia certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act, that James City County may be subject to audit by the Virginia Department of Transportation and by the State Auditor of Public Accounts.

11. Appointment of Social Services Board

R E S O L U T I O NSOCIAL SERVICES BOARD

WHEREAS, the James City County Board of Supervisors created the County Social Services Advisory Board to become effective July 1, 1988; and

WHEREAS, the James City County Board of Supervisors wishes to comply with Sections 63.1-40 and 63.1-43.1 of the State Code.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors, of James City County, Virginia, appoints John Holdren as the Local Board of Social Services as required by State law.

12. Poultry Claim

R E S O L U T I O NPOULTRY CLAIM

WHEREAS, the claim of Mr. David Tooley has been investigated and found to be valid; and

WHEREAS, the value of the goose destroyed has been estimated to be as follows:

1 African Goose at \$25.00 = \$25.00

\$25.00

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors hereby reimburses Mr. David Tooley \$25.00 for the poultry destroyed.

3. Virginia Public School Authority

Mr. Norment explained that the deadline for participating in the bond issue is August 8, 1988, and the \$2,845,000 represents the County's share under the existing school contract for the site acquisition and design/engineering costs for three new schools.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

R E S O L U T I O NAPPLICATION FOR VPSA FINANCING

WHEREAS, the Board of Supervisors of James City County believes it to be desirable to seek bond financing through the Virginia Public School Authority for site acquisition and design/engineering for three new schools.

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is requested to prepare for submission to the Virginia Public School Authority a request to participate in the October VPSA bond sale in the amount of \$2,845,000.

5. Farmers Market Grant

Mr. Taylor stated that as a member of the Farmers Cooperative, he would abstain from voting.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Mahone, DePue, Edwards (4). NAY: (0). ABSTAIN: Taylor (1).

R E S O L U T I O NFARMERS MARKET GRANT

WHEREAS, the Commonwealth of Virginia has awarded a grant of \$12,500 to James City County for the James City County Farmers Market.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the grant of \$12,500 for the James City County Farmers Market and appropriate these funds, as follows:

Revenue from Commonwealth	
Farmers Market Grant	\$12,500
Contributions	
Farmers Market	\$12,500

10. Virginia Coastal Resources Management Program Grant Application

Mr. Taylor spoke in opposition to the resolution.

Mr. Mahone made a motion to approve the resolution authorizing an expenditure up to \$4,500.

On a roll call, the vote was AYE: Norment, Mahone, DePue, Edwards (4). NAY: Taylor (1).

R E S O L U T I O N
REGIONAL ISSUES COMMITTEE

WHEREAS, the Regional Issues Committee, a Committee comprised of three members each from the City of Williamsburg, York County, and James City County, has reviewed the "Report of the Williamsburg Regional Growth Commission" to identify those aspects of said report that are regional in application or that require regional cooperation in order to implement; and

WHEREAS, the Regional Issues Committee has determined that the above three jurisdictions should cooperatively pursue an inventory of environmentally sensitive areas in order to develop compatible and consistent data bases; and

WHEREAS, a cooperative inventory of environmentally sensitive areas is essential to the consideration of compatible and consistent policies and measures to protect same; and

WHEREAS, James City County encourages the protection of certain environmentally sensitive areas.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the submittal of a joint grant application to the Council on the Environment along with the City of Williamsburg and York County, for the purpose of cooperatively undertaking an inventory of environmentally sensitive areas.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes an expenditure of up to \$4,500 as the County's proportionate share of said application.

13. Ford's Colony - Phasing Plan for Road Improvements

Mr. DePue requested a copy of the traffic study for his review.

Mr. Edwards postponed action on the case until the July 12, 1988, meeting.

F. **BOARD CONSIDERATIONS**

1. Review of Route 199 Design

Ms. Victoria Gussman, Manager, Development Management, stated that the Planning Commission unanimously recommended approval of the report, but with concerns of forwarding recommendations that might greatly increase the cost of the project and potentially delay its implementation.

She further stated that staff recommended: (1) the draft report entitled "Review of Route 199 Design - Route 5 to Interstate Route 64 be revised to delete references to access at Rochambeau, delete references to the southern service road in York County, and correct the text about the extension of Pottery Road; (2) transmittal of final report to the Virginia Department of Transportation with approved resolution highlighting the report's recommendation and strongly urging the need to widen the existing section of Route 199; (3) clarifying the Board's support for a new interchange at Ford's Colony with the understanding that it would not unduly delay the rest of the project; and, (4) adding the widening of existing Route 199 to the County's annual request for primary road funds.

After discussion of the order of priorities, Mr. Edwards deferred the case until July 12, 1988.

2. Longhill Connector Road

Mr. Frank Morton, III, County Attorney, recommended approval of the resolutions authorizing execution of the tri-party agreement and the agreement with the City of Williamsburg.

Mr. DePue made a motion to approve the resolutions.

On a roll call, the vote was AYE: Norment, Mahone, DePue, Edwards (4). NAY: Taylor (1).

R E S O L U T I O NAUTHORIZATION TO EXECUTE THE AGREEMENTBETWEEN CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY(LONGHILL CONNECTOR ROAD)

WHEREAS, James City County and the City of Williamsburg are desirous of having a new road built to connect Longhill Road and Ironbound Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute the attached agreement dated July 11, 1988, with the City of Williamsburg pertaining to the Longhill Connector Road.

R E S O L U T I O NAUTHORIZATION TO EXECUTE TRI-PARTY AGREEMENT(LONGHILL CONNECTOR ROAD)

WHEREAS, James City County, the City of Williamsburg and the Virginia Department of Transportation are desirous of having a new road built to connect Longhill Road and Ironbound Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute the attached agreement dated July 1, 1988, with the City of Williamsburg and the Virginia Department of Transportation pertaining to the Longhill Connector Road.

Mr. Edwards recessed the Board for a break at 8:45 p.m.

Mr. Edwards reconvened the Board at 9:02 p.m.

G. PUBLIC COMMENT

1. Mr. Charles Martino, Norge, spoke on behalf of the Norge Civic Association, regarding preservation of the quality of life in the village and requirement of quality development. He asked that the Board consider the village concept as outlined in the Richmond Road Strategy Study and approve a village overlay zone with setbacks, building heights, parking, landscaping, etc.

2. Ms. Margaret Harrison, a resident of Norge for 22 years, spoke in favor of the village concept for Norge.

3. Mr. Jay Everson, 130 Oslo Court, spoke in support of a shuttle bus/direct route transportation link between Newport News/Hampton and the Norge area for prospective workers.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman expressed a need for an executive session for legal and personnel matters, and reminded the Board of the James City Service Authority meeting.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards asked if the Board wished to discuss Mr. DePue's growth issue memorandum, and direct staff to review these for inclusion on the agenda for the August 22 meeting.

Mr. Taylor stated he was opposed to all the suggestions.

Mr. DePue stated that Issue Number 1, regarding further development in the village of Norge, would be discussed at the work session July 12, 1988. He continued that Issue Number 2 was to develop and apply our own local traffic standards to future rezonings, and Number 3 was to consider a restructuring of Zoning Ordinances and the Zoning Map to limit R, M, LB and B zones to the Primary Service Area, leaving the rest of the County in a significantly changed version of the A-1 zone. Mr. DePue concluded that Issue Number 4 regarding water resources should not be discussed at this meeting.

Mr. Edwards asked for Board comments on Issues 2 and 3.

Mr. Mahone and Mr. Norment supported Issue 2; Mr. Edwards stated that it was a very good idea, and asked staff to prepare suggestions on how to apply it.

Regarding Issue 3, Mr. Taylor expressed his opinion that restrictions add costs that place lower-and-middle-income families out of the housing market.

Mr. Edwards and Mr. Mahone supported Issue 3 for development in areas which can be served by public sewer and water.

Mr. DePue noted the meals tax issue memorandum and stated the resolution seeks only authority to enact a food and beverage tax.

Mr. Taylor clarified that the Board will set the tax rate, up to a maximum of 4%.

Mr. Norman responded that a public hearing would be held.

Mr. Norment made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

R E S O L U T I O N

FOOD AND BEVERAGE TAX

WHEREAS, the Board of Supervisors is desirous of seeking voter approval for the authority to consider a food and beverage tax as permitted under Section 58.1-3833 of the Virginia State Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby petitions the Circuit Court to certify the following referendum question for inclusion on the ballot for the November 8, 1988, general election:

"Shall the Board of Supervisors have the authority to impose, after the required public hearing, a food and beverage tax as permitted under Section 58.1-3833 of the Code of Virginia?"

Mr. Norman indicated that Ms. Gussman had revised the Route 199

resolution if the Board wished to take action.

Mr. Norment made a motion to delete the NOW THEREFORE BE IT RESOLVED paragraph in the resolution and replace the wording with "NOW THEREFORE BE IT RESOLVED, the Board of Supervisors of James City County strongly requests the Commonwealth Transportation Board fund the completion of Route 199 between Richmond Road (Route 60) and John Tyler Highway (Route 5) as soon as possible.

BE IT FURTHER RESOLVED, in the final design of Route 199, the Virginia Department of Transportation give serious consideration to the following recommendations:"

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

R E S O L U T I O N

DESIGN OF ROUTE 199

WHEREAS, the Virginia Department of Transportation has recognized the need for the completion of Route 199 as a circumferential highway around the City of Williamsburg which will separate local traffic from tourist traffic and alleviate congestion on local streets; and

WHEREAS, the existing section of Route 199 experiences traffic volumes from 11,000 to 16,500 vehicles per day, reaching the capacity of a two-lane section and increasingly causing congestion and delay; and

WHEREAS, a draft design of the extension of Route 199 has been made available to James City County for review and comment.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, strongly requests the Commonwealth Transportation Board fund the completion of Route 199 between Richmond Road (Route 60) and John Tyler Highway (Route 5) as soon as possible.

BE IT FURTHER RESOLVED, in the final design of Route 199, the Virginia Department of Transportation give serious consideration to the following recommendations:

A. Four-lane versus two-lanes

- Build four lanes;
- Construct interchanges at crossroads, initially.

B. New County Collector Road (Monticello Road Link to Ford's Colony)

- Include design of this road and interchange; and
- Make provisions for future construction in Route 199 plans, provided this does not unduly delay progress on the rest of the project.

C. Richmond Road (Route 60) Interchange

- Increase radii on loop ramps at current Richmond Road location;
- Consider Lightfoot Bypass for improved location of interchange; or,
- Increase capacity of ramp terminals at Route 60; and,
- Provide adequate weaving section between Route 60 and Pottery Road and interchanges.

D. Route 199-John Tyler Highway (Route 5) Intersection

- Add dual north to west left-turn lanes;
- Include a channelized east to south right-turn lane.

E. Olde Towne Road (Route 658)

- Build new road linking Route 199 with Longhill Road;
- Build a frontage road from Route 658 to relocated Route 658;
- Do not construct an overpass.

F. Route 199-Pottery Road Interchange

- Construct the interchange;
- Develop design year traffic volumes.

G. Cross Roads and Ramp Terminals

- Develop peak design hour traffic volumes at all ramp terminals; and,
- Analyze ramp terminals for:
 - Number of lanes;
 - Provision of underground signal items under pavements.

H. Route 199 Geometry

- Use minimum three-degree curves, desirable two-degree curves on the main line; and,
- Increase parallel entrance/exit ramp curve radii to 2,000 and 1,400 feet, respectively.

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation is requested to take steps to widen the existing section of Route 199 to four lanes in those areas where only two lanes presently exist.

Mr. Edwards declared a recess at 10:00 p.m. for a James City Service Authority meeting.

Mr. Edwards reconvened the Board at 10:15 p.m., and made a motion to convene into executive session to discuss legal and personnel matters pursuant to Section 2.1-344(a)(1)(6) of the Code of Virginia, 1950, as amended.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

Mr. Edwards reconvened the Board at 11:17 p.m.

Mr. DePue made a motion to appoint George M. Hudgins, Jr., to the Industrial Development Authority for a four-year term expiring July 8, 1992, and to reappoint Debbie Bond to the Williamsburg Regional Library Board for a four-year term expiring June 30, 1992.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

Mr. Edwards declared a recess until Tuesday, July 12, 1988 at 7:00 p.m.

The Board recessed at 11:20 p.m.

David B. Norman
Clerk to the Board

DEED OF EXCHANGE

This Deed Of Exchange, made the 5th day of July, 1988, between the COUNTY SCHOOL BOARD OF JAMES CITY COUNTY, VIRGINIA, and the SCHOOL BOARD OF THE CITY OF WILLIAMSBURG, VIRGINIA, parties of the first part and THE COLONIAL WILLIAMSBURG FOUNDATION, a Virginia Non-Stock, Non-Profit Corporation, party of the second part, the CITY OF WILLIAMSBURG, VIRGINIA and JAMES CITY COUNTY, VIRGINIA, parties of the third part.

W I T N E S S E T H:

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash in hand paid, the respective conveyances herein made, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey with General Warranty and English Covenants of Title unto the said party of the second part, the following described property, to-wit:

All that certain portion of a lot, situate, lying and being in the City of Williamsburg, Virginia, and shown and designated as "AREA TO BE CONVEYED TO COLONIAL WILLIAMSBURG FOUNDATION, 1391 S.F. or 0.0319 ACRES", on a certain plat entitled "PLAT OF PROPERTY EXCHANGE BETWEEN THE COLONIAL WILLIAMSBURG FOUNDATION AND WILLIAMSBURG-JAMES CITY COUNTY SCHOOL BOARD", dated 06/01/88 revised 6/30/88 and prepared by Charles R. Osborne of Langley & McDonald, a copy of which is attached to and made a part of this Deed Of Exchange.

The party of the second part does grant and convey with General Warranty and English Covenants of Title unto the said parties of the first part, the following described property, to-wit:

All that certain portion of a lot, situate, lying and being in the City of Williamsburg, Virginia, and shown and designated as "AREA TO BE CONVEYED TO WILLIAMSBURG-JAMES CITY COUNTY SCHOOL BOARD, 1100 S.F. OR 0.0252 ACRES", on a certain plat entitled "PLAT OF PROPERTY EXCHANGE BETWEEN THE COLONIAL WILLIAMSBURG FOUNDATION AND WILLIAMSBURG-JAMES CITY COUNTY SCHOOL BOARD", dated 06/01/88 revised 6/30/88 and prepared by

Charles R. Osborne of Langley & McDonald, a copy of which is attached to and made a part of this Deed Of Exchange.

The parties of the third part join in the execution of this Deed Of Exchange to evidence their consent to the respective conveyances.

WITNESS the following signatures and seals:

COUNTY SCHOOL BOARD OF JAMES CITY COUNTY, VIRGINIA

By: Kenneth E. Smith Jr. (SEAL)
Chairman

SCHOOL BOARD OF THE CITY OF WILLIAMSBURG, VIRGINIA

By: Stephen E. Smith (SEAL)
Chairman

THE COLONIAL WILLIAMSBURG FOUNDATION

By: [Signature] (SEAL)

CITY OF WILLIAMSBURG, VIRGINIA

By: John Holger (SEAL)
Mayor

JAMES CITY COUNTY, VIRGINIA

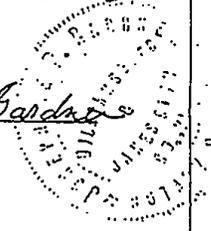
By: [Signature] (SEAL)
Chairman, Board of Supervisors

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 18th day of August, 1988, by Kenneth E. Smith Jr. Chairman of and on behalf of the County School Board of James City County, Virginia.

Josephine P. Gardner
NOTARY PUBLIC



My commission expires: Sept 17, 1988

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 18th day of August, 1988, by D. Stephen Elliott, Chairman of and on behalf of the School Board of the City of Williamsburg, Virginia.

Josephine P. Gardner
NOTARY PUBLIC



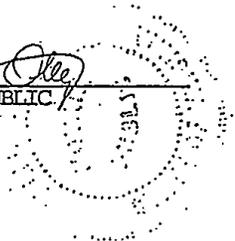
My commission expires: Sept 17, 1988

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 19th day of August, 1988, by William J. Gardner of and on behalf of The Colonial Williamsburg Foundation.

Allison Steg
NOTARY PUBLIC



My commission expires: 2/7/89

STATE OF VIRGINIA
CITY OF WILLIAMSBURG
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 14
day of July, 1988, by John Hodges,
Mayor of and on behalf of the City of Williamsburg, Virginia.

[Signature]
NOTARY PUBLIC

My commission expires: Sept 23, 1988

STATE OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 1st
day of August, 1988, by Jack D. Edwards,
Chairman, Board of Supervisors of and on behalf of James City County,
Virginia.

[Signature]
NOTARY PUBLIC

My commission expires: Feb. 14, 1989

THIS DEED IS EXEMPT FROM THE TAXES IMPOSED BY SECTIONS 58.1-801 AND 58.1-803 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, PURSUANT TO SECTION 58.1-811(C)(3) AND (4) OF SAID CODE.

VIRGINIA: City of Williamsburg and County of James City, to-wit:

In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City the 6 day of Oct, 1988. This Deed was presented with certificate annexed and admitted to record at 10:50 o'clock

Teste: Helene S. Ward, Clerk

by _____
Deputy Clerk

CLAT RECORDED IN
BOOK NO. 49 PAGE 71

AGREEMENT BETWEEN JAMES CITY COUNTY, CITY OF WILLIAMSBURG
AND VIRGINIA DEPARTMENT OF TRANSPORTATION
Project 0615-047-139, C501
(Longhill Connector Road)

THIS AGREEMENT, made this 1st day of July, 1988, between the James City County Board of Supervisors, hereinafter referred to as the "BOARD," the Council of the City of Williamsburg, hereinafter referred to as the "COUNCIL," and the Virginia Department of Transportation, hereinafter referred to as the "DEPARTMENT."

WHEREAS, the BOARD has proposed that a project be developed to provide a new roadway facility (Longhill Connector Road) to connect Longhill Road and Ironbound Road, hereinafter referred to as the project; and

WHEREAS, the BOARD concurs in this project being a justified alternate to the improvement of other public roads in the area to provide adequate roadway facilities to serve the existing and projected traffic, and thereby warrants the financing of its construction cost from secondary improvement allocations to James City County and/or funds available pursuant to Section 33.1-75.1 and Section 33.1-75.2 of the Code of Virginia; and

WHEREAS, the COUNCIL is desirous of having this project also include the construction of improvements situated within the corporate limits of the City of Williamsburg and has committed the City of Williamsburg to pay THREE HUNDRED FIFTY THOUSAND and 00/100 DOLLARS (\$350,000.00) toward the cost of said project.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the premises and mutual covenants and agreements contained herein, the parties do hereby agree as follows:

A. The BOARD will:

1. As its sole expense, have complete right-of-way acquisition and construction plans prepared for this project in accordance with applicable DEPARTMENT standards and procedures and present such plans to the DEPARTMENT for review and approval.
2. Obtain, without cost to secondary improvement funds and/or funds available under Section 33.1-75.1 of the Code of Virginia, all right-of-way, including slope and/or drainage easements necessary for the construction of this project in accordance with approved plans. Such right-of-way shall be obtained for public road purposes and in a manner satisfactory to the DEPARTMENT.
3. Provide financing for its proportionate share of any cost for sidewalks, bikeways or similar facilities constructed under this project in accordance with the DEPARTMENT'S policy memorandum No. DPM 8-6.
4. Concur, by appropriate resolution, in the allocation of secondary improvement funds for James City County and/or funds available pursuant to Section 33.1-75.1 and Section 33.1-75.2 of the Code, as may be necessary to complete financing of the portion of the project situated within the County.
5. Take the appropriate action to add the portion of the project situated within the County to the secondary system, upon completion of its construction.

B. The COUNCIL will:

1. Provide DEPARTMENT reimbursement for actual costs incurred in the construction of the portion of this project situated within the

City of Williamsburg within 15 days of receipt of appropriate billing. Such billing may be presented as progress billings on a monthly basis. However, the total of such reimbursements shall not exceed \$350,000.00.

2. Provide, without cost to the BOARD or the DEPARTMENT, any right of way or adjustment of utilities necessary for the construction of the portion of this project situated within the corporate limits of the City.

C. The DEPARTMENT will:

1. Review and approve the plans for right-of-way acquisition and construction and make any modifications it deems appropriate. The DEPARTMENT shall further submit for review to the Williamsburg City Manager all plans regarding the portion of the project to be constructed in the City. Construction in the City shall not commence until the City Manager has reviewed and approved such plans. Once commenced, all construction within the City shall be subject to inspection and acceptance by the City Manager or his duly appointed representative.
2. Develop necessary specifications and contract documents for the project's advertisement.
3. Advertise and award the contract for this project in accordance with Departmental procedures.
4. Arrange for the adjustment of any utilities necessitated by the construction of the portion of this project situated within the County, the cost of which shall be financed from secondary improvement allocations for James City County and/or funds

available pursuant to Section 33.1-75.1 of the Code of Virginia.

- 5. Assist the County in securing any necessary right-of-way for the project, including easements, currently under the control of any State agency.
- 6. Concur in the addition of the County portion of the project into the Secondary System of State highways upon completion of its construction and the appropriate action by the BOARD pursuant to Item A6.

IN WITNESS WHEREOF, the parties to this agreement have hereto affixed their signatures:

JAMES CITY COUNTY

BY: *J. Edwards*
Chairman, Board of Supervisors

ATTEST:

[Signature]
Title: County Administrator

CITY OF WILLIAMSBURG

BY: *[Signature]*
Mayor

ATTEST:

[Signature]
Title: City Clerk

NOTE: Any official signing for and on behalf of a municipality or political subdivision shall attach a certified copy of the order, resolution, ordinance or charter provisions, or a citation to statute, under the authority by which this agreement is executed.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

BY: Oscar K. Mabey
Deputy Commissioner

ATTEST:

Peggy Shaver
Title: Secretary

APPROVED

Fiscal (VDOT)

s/ M. C. Barden

Date: October 12, 1988

OFFICE OF THE ATTORNEY GENERAL

[Signature]

Date: 2/29/88



CITY OF WILLIAMSBURG
WILLIAMSBURG, VIRGINIA

23185

The following is an extract from the minutes of the Williamsburg City Council meeting held on July 14, 1988:

"Mr. McConnell moved authorization by the Mayor and Clerk of agreements with the Highway Department regarding a maximum commitment by the City of Williamsburg of \$350,000. to the Longhill Connector Road. The motion was unanimously carried by roll call vote."

Lois S. Bodie
Clerk of Council

I, Lois S. Bodie, the Clerk of the Council of the City of Williamsburg, Virginia, do hereby certify that the foregoing is a true and correct extract of the minutes of a certain meeting of the City Council of the City of Williamsburg; duly constituted and held in the City of Williamsburg, Virginia on July 14, 1988, at which a quorum was present and acting throughout.

Given under my hand and official seal of said City of Williamsburg on September 16, 1988.

Lois S. Bodie
Clerk of Council